

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.2962 OF 2005**

Ajay Prahalad Singh

...Applicant

vs.

The State of Maharashtra & Ors.

...Respondents

Mr.K.V.Saste,A.P.P. for State

**CORAM: A.S.OKA,J.
DATE : JUNE 20,2005.**

P.C.:

1. This Application was argued on 16th June 2005 and today it is kept for dictation of the order.

2. The Applicant is the accused No.2 who is being prosecuted for the offence under Sections 399, 402 of the Indian Penal Code. The learned Counsel appearing for the Applicant submitted that by order dated 7th December 2004 the learned Sessions Judge has enlarged some of the accused on bail and case of the Applicant is rejected only on the ground that he is facing three more charges. A reliance was placed on a decision of this Court reported in 1996 Cri.L.J. page No.1419 (Ibrahim @ Munna Salim Shaikh Vs. State of Maharashtra) and it was submitted that criminal history of the accused could not be a sole ground to refuse bail. The Application for bail is opposed by the learned A.P.P. by pointing out that the offences have been registered against the Applicant at Goregaon Police Station vide No.C.R.No.369 of 2004 under Section 379 read with Section 34 of I.P.C. He pointed out that two more offences have been registered at M.I.D.C. Police Station vide C.R.No.221 of 2000 and 418 of 2002. The

said cases are under sections 454, 457 and 380 of I.P.C. and under Section 379 of I.P.C. respectively.

3. I have considered the submissions. In the present case, the Applicant has been arrested on 16th November 2004. There is recovery of a chopper having length of 16 inches at the instance of the Applicant. As stated earlier there are three offences registered against the Applicant in the city of Mumbai. Considering the gravity of offence in the present case as well as antecedents of the Applicant the learned Additional Sessions Judge has rejected the Application.

4. In my view the decision of this Court in the case of Ibrahim (supra) will not help the Applicant. The learned Single Judge did not consider the criminal history of the Applicant before him because the Applicant before him was in a jail for over nine years and three months awaiting the trial having no fault on his part.

5. I find no error in the view taken by the learned Single Judge so far as the present Applicant is concerned. Hence, Application is rejected. The learned Counsel for the Applicant made a grievance that trial will take long time as even charges are not framed. If there is unreasonable delay in commencing the trial, liberty to the Applicant to apply for bail.

JUDGE